

Message Text

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ACTION H-02

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E.O. 11652: N/A
TAGS: CASC, PINT, UK
SUBJECT: NEW CHARGES PLACED AGAINST DAMIEN EASTWOOD

REF: BELFAST 34 AND PREVIOUS

1. THE PROSECUTION AGAINST DAMIEN EASTWOOD (REFTEL) HAS NOW
ADVANCED TO THE POINT WHERE THE OFFICE OF THE DIRECTOR OF
PUBLIC PROSECUTIONS (DPP) HAS PRESENTED HIS DEPOSITIONS TO A
PRELIMINARY HEARING. AS IS USUAL IN THESE CASES, AT THE
HEARING, THE DPP PRESENTED NEW CHARGES AGAINST MR. EASTWOOD.
THE CHARGES ALL STEM FROM THE SAME INCIDENT AND ARE SIMPLY
ELABORATIONS OF THE BASIC CHARGE. THE CHARGES NOW PENDING
AGAINST MR. EASTWOOD ARE AS FOLLOWS:

A. THAT HE, ON THE 21ST DAY OF DECEMBER 1977, IN THE COUNTY
OF DOWN, UNLAWFULLY AND MALICIOUSLY CAUSED BY AN EXPLOSIVE
SUBSTANCE, NAMELY A BOMB, AN EXPLOSION OF A NATURE LIKELY
TO ENDANGER LIFE OR CAUSE SERIOUS INJURY TO PROPERTY,
CONTRARY TO SECTION 2 OF THE EXPLOSIVE SUBSTANCE ACT 1883.

B. THAT HE, ON THE 21ST DAY OF DECEMBER 1977, IN THE COUNTY OF
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DOWN, UNLAWFULLY AND MALICIOUSLY HAD IN HIS POSSESSION OR
UNDER HIS CONTROL AN EXPLOSIVE SUBSTANCE, NAMELY A
BOMB, WITH INTENT BY MEANS THEREOF TO ENDANGER LIFE OR
CAUSE SERIOUS INJURY TO PROPERTY IN THE UNITED KINGDOM OR
TO ENABLE ANY OTHER PERSON SO TO DO, CONTRARY TO SECTION
3(1)(B) OF THE EXPLOSIVE SUBSTANCES ACT 1883.

C. THAT HE, ON THE 21ST DAY OF DECEMBER 1977, IN THE COUNTY OF DOWN, KNOWINGLY HAD IN HIS POSSESSION OR UNDER HIS CONTROL CERTAIN EXPLOSIVE SUBSTANCES, NAMELY A BOMB, UNDER SUCH CIRCUMSTANCES AS TO GIVE RISE TO A REASONABLE SUSPICION THAT HE DID NOT HAVE THEM IN YOUR POSSESSION OR UNDER YOUR CONTROL FOR A LAWFUL OBJECT, CONTRARY TO SECTION 4 OF THE EXPLOSIVE SUBSTANCES ACT 1883.

D. THAT HE, ON THE 21ST DAY OF DECEMBER 1977, IN THE COUNTY OF DOWN, WITHOUT LAWFUL EXCUSE, DID ATTEMPT TO DESTROY OR DAMAGE BY FIRE, PROPERTY BELONGING TO ANOTHER, NAMELY THE CULLODEN HOTEL, HOLYWOOD, INTENDING TO DESTROY OR DAMAGE SUCH PROPERTY, OR BEING RECKLESS AS TO WHETHER ANY SUCH PROPERTY WOULD BE DESTROYED OR DAMAGED, CONTRARY TO ARTICLE 3(1) AND (3) OF THE CRIMINAL DAMAGE (NORTHERN IRELAND) ORDER 1977.

2. THE HEARING ITSELF WAS HELD ON APRIL 14 AT THE HOLYWOOD, CO. DOWN, MAGISTRATES COURT (THE ACTUAL INCIDENT OCCURRED IN THAT JURISDICTION SO HEARINGS ARE HELD THERE BUT THE MAIN TRIAL WILL BE HELD IN BELFAST). WHILE AN OPPORTUNITY TO ANSWER THE SPECIFIC ALLEGATIONS WAS AFFORDED MR. EASTWOOD HIS ATTORNEY ELECTED (AS IS THE NORMAL PRACTICE) NOT TO ARGUE THE CHARGES AND THE JUDGE RULED THAT A "PRIMA FACIE" CASE EXISTED. MR. EASTWOOD WAS COMMITTED FOR TRIAL AND THE ATTORNEY NOW HOPES AND EXPECTS THAT THE ACTUAL TRIAL CAN BE HELD BEFORE THE END OF UNCLASSIFIED

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JUNE WHEN THE COURT RECESSES FOR THE SUMMER. (ONLY EIGHT JUDGES OF THE HIGH COURT HEAR SUCH CASES IN NORTHERN IRELAND THERE IS A CONSIDERABLE BACK-LOG). IF IT DOES NOT COME TO TRIAL BEFORE THE RECESS THE NEXT POSSIBLE TRIAL DATE WOULD BE LATE SEPTEMBER.

3. NOW THAT THE PRELIMINARY HEARING HAS BEEN HELD AND MR. EASTWOOD COMMITTED FOR TRIAL REGULAR REDEMAND HEARINGS ARE NO LONGER REQUIRED TO RENEW THE CUSTODY ORDER. PERSONS AWAITING TRIAL ARE USUALLY HELD AT H.M. PRISON THE MAZE AND MR. EASTWOOD IS SCHEDULED TO BE TRANSFERRED TO THE MAZE FROM H.M. PRISON BELFAST ON APRIL 15.

4. CONSULATE OFFICER LAST VISITED EASTWOOD ON APRIL 10 AND SAW HIM BRIEFLY AT APRIL 14 HEARING. SHORTLY BEFORE APRIL 10 VISIT MR. EASTWOOD HAD BEEN INVOLVED IN A FIGHT AT THE PRISON THE GOVERNOR (WARDEN) INFORMED CONSULATE OFFICER THAT MR. EASTWOOD WAS NOT TO BLAME, AND THAT THE MOTIVE BEHIND FIGHT HAD APPEARED TO HAVE BEEN A MINOR DISAGREEMENT AND NON-POLITICAL). HE SUFFERED A CUT UNDER HIS LEFT EYE BUT RECEIVED PROMPT MEDICAL ATTENTION (TWO STICHES WERE REQUIRED) AND AGREED WITH GOVERNOR THAT NO POLITICAL MOTIVE WAS INVOLVED. MR.

EASTWOOD WAS OTHERWISE WELL AND SEEMED CHEERED THAT
PRELIMINARY HEARING INDICATED THAT DPP WAS "GETTING ON WITH THE
CASE."

5. TO DATE CONGEN HAS RECEIVED INQUIRIES FROM THE FOLLOWING
CONGRESSIONAL OFFICES:

SENATOR ALAN CRANSTON
SENATOR S.I. HAYAKAWA

REP. ANTHONY C. BEILENSON
REP. MARIO BIAGGI
REP. PHILLIP BURTON
REP. JOSEPH FISHER
REP. GEORGE MILLER
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REP. NORMAN MINETA

IF APPROPRIATE H MAY WISH TO INFORM THESE OFFICES OF THE
NEW CHARGES AGAINST MR. EASTWOOD AND THE STATUS OF THE CASE.
ROY

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